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Kevin Herring, Esq.
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Re: DHHL Violation of Federal Law

Dear Kevin:

I don't know whether your client consulted you or not, but DHHL today sent a notice to all DHHL lessees urging them to switch from SIC to a different carrier.

Because Hawaiian Telcom did not even bid for the "last mile" infrastructure that connects individual lessees to the network, that infrastructure remains with SIC and is covered by 47 USC §251(f)(1) which exempts SIC from the interconnection requirements. The exemption prevents exactly what DHHL and Hawaiian Tel are trying to do: cherry pick the most profitable customers.

Rather than violating federal law, your client would do better to engage productively with SIC in trying to minimize disruption to each customer and resolve the parties' issues.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Lex R. Smith', written over a horizontal line.

LEX R. SMITH

for

KOBAYASHI, SUGITA & GODA, LLP